

IN THE UNITED STATES DISTRICT COURT OF PENNSYLVANIA  
WESTERN DISTRICT, ERIE DIVISION

ERIE COUNTY	:	CIVIL ACTION NO: 05-59E
ENVIRONMENTAL COALITION,	:	
et al.,	:	
Plaintiffs	:	FOR INJUNCTIVE AND
	:	DECLARATORY RELIEF AND
v.	:	FOR CIVIL PENALTIES
	:	
MILLCREEK TOWNSHIP SEWER	:	
AUTHORITY, et al.,	:	
Defendants	:	

**DECLARATION IN SUPPORT OF STANDING**

I, Paul F. Burroughs, do hereby affirm and state:

1. I am familiar with the GAIA Defense League, and have been a member since October 2005. I have personal knowledge of the matters set forth herein, except where they are based upon information and belief.

2. The mission of the GAIA Defense League is:

The purpose of the corporation is to, by utilizing the laws of the Commonwealth of Pennsylvania and the United States, protect the natural resources available to the citizens. The corporation intends to lawfully monitor the activities of the environmentally regulated community and when necessary, bring enforcement actions in the courts and administrative tribunals. Additionally, the corporation will undertake and promote the education of the citizenry in the protection of the natural resources. The corporation will also promote other civic

interests such as assisting local governments on community building and sustainable development and conduct seminars and presentations to the public at large of a wide variety of related matters.

3. My present address is 6554 Jamelia Court, Fairview, Pennsylvania 16415. I purchased this property in 1987. Walnut Creek flows through a portion of the property at this address.

4. I understand that this Declaration is to be used in connection with litigation over Millcreek Township's and Millcreek Township Sewer Authority's failure to perform its duties under the Clean Water Act. I am supportive of this litigation.

5. I have used and continue to use Pennsylvania's waters, including Walnut Creek. Specifically I own property on and under Walnut Creek in Fairview Township downstream of the Kearsarge Pump Station. My self and my family utilize Walnut Creek for recreation by swimming and enjoying its fine qualities and in the past for fishing. I was an appellant in a challenge to the first Consent Order and Agreement among Millcreek Township, Millcreek Township Sewer Authority and the Department of Environmental Resources (Burroughs v. DER, 1992 EHB 1084).

6. Rarely does a day goes by while I am at my home that I do not note the appearance of and enjoy Walnut Creek.

7. My enjoyment of Walnut Creek has been significantly impacted by Millcreek Township and Millcreek Township Sewer Authority's continuous discharge

of significant amounts of raw sewage and/or inadequately treated sewage into Walnut Creek and its surrounding tributaries without a NPDES permit or a Pennsylvania water quality management permit in the following ways:

Our Lake Erie tributaries have gained a reputation as offering some of the best steelhead fishing in the Great Lakes and for a community that reaps the economic benefits of this tremendous natural asset to continue its premeditated dumping of untreated sewage is an abomination.

8. I am aware of the following:

- a. Millcreek has been dumping raw and inadequately treated sewage into Walnut Creek since the early 1980s;
- b. I have been informed that this didn't just occur when flood waters overwhelmed the a pumping station, but in fact occurred any time water levels were high, i.e., valves are intentionally opened to empty holding tanks; and
- c. a \$2,500 fine is paid for each occurrence, regardless of how many gallons are discharged.

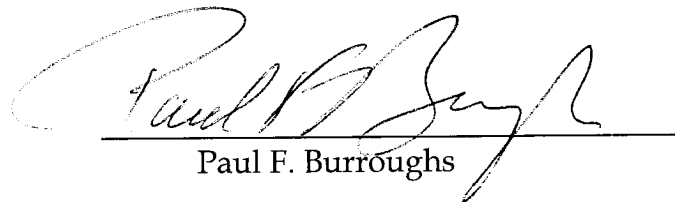
9. I am reluctant to enter Walnut Creek for recreational purposes at the time of and for some time after high water flows and/or after learning that the bypass was activated. I am angry and frustrated that so many years have passed without the elimination of the bypass.

10. As a property owner I am offended by the trespass that occurs onto my property when sewage discharged from the bypass enters onto my property. During high flows I detect a sewage-like odor at my residence.

11. I believe that my loss of enjoyment of Walnut Creek is a direct result of Millcreek Township's and Millcreek Township Sewer Authority's failure to comply with the law prohibiting unpermitted discharges into Walnut Creek.

12. This Court has the ability to ensure that Pennsylvania's waters are preserved for my use and enjoyment, as well as future generations, by forcing the Millcreek Township Sewer Authority and Millcreek Township to comply with the laws of the United States and Pennsylvania.

I VERIFY, UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON NOVEMBER 29, 2005.

  
Paul F. Burroughs

#274903